



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,820	12/14/2000	Hao A. Chen	3620-036-01	8675

33432 7590 07/13/2004
KILYK & BOWERSOX, P.L.L.C.
53 A EAST LEE STREET
WARRENTON, VA 20186

EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,820

Applicant(s)

CHEN ET AL.

Examiner

Jane J Rhee

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 19, 20, 22, 23 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 19, 20, 22, 23 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Rejections Withdrawn

1. The 35 U.S.C. 102 (b) rejection anticipated by Bosco of claims 1,5-6,19,22-23 is withdrawn due to applicant's arguments made in response 6/23/2004.
2. The 35 U.S.C. 103(a) rejection over Bosco in view of Anstalt of claims 2-4,20 and 27 is withdrawn due to applicant's arguments made in response 6/23/2004.

Response to Arguments

3. Applicant's arguments with respect to claims 1-6,19-20,22-23,27 have been considered but are moot in view of the new ground(s) of rejection.

New Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6,22-23,19-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Del Rincon et al. (5694730) in view of Peralt Anstalt.

Del Rincon et al. discloses a floor surface covering comprising two plastic/wood planks having edges (figure 2), wherein the planks are connected to each other by a bonding agent (figure 2 number 17), wherein the bonding agent is present on at least

Art Unit: 1772

one of the edges of at least one of the planks, and wherein the bonding agent comprises at least one solvent capable of at least bonding the edges of the planks (col.2 line 8-9). Del Rincon et al. discloses that the bonding agent is present on at least each edge of each plank connected together to another plank (figure 2 number 20,17,25). Del Rincon et al. discloses that the bonding agent is present on two opposite edges of each plank (figure 2 number 17). Del Rincon discloses that the polymeric flooring plank is in the shape of a tile (figure 2). Del Rincon et al. discloses a floor surface covering comprising two flooring planks made of a combination of plastic and wood (col. 1 line 17, figure 2 number 20 and 25) and a spline (figure 2 number 17) located between at least a portion of the polymeric planks, wherein at least a portion of the planks and spline are connected to each other by a bonding agent comprising at least one solvent that bonds at least the spline and plank together wherein the bonding agent is applied to at least one of the edges of at least a spline (col. 2 line 8-9).

Del Rincon et al. fail to disclose two polymeric planks with bonding agent of tetrahydronfuran. Del Rincon et al. fail to disclose a plurality of splines. Del Rincon et al. fail to disclose that the polymeric flooring plank has a polymeric core with a laminate affixed on the surface of the core. Peralt Anstalt discloses that the polymeric flooring plank has a polymeric core with a laminate affixed on the surface of the core (col. 6 line 74) for the purpose of adjusting the thickness of the seam so that the two planks have a smoother surface (figure 3b). Peralt Anstalt teaches two polymeric planks with a bonding agent of tetrahydrofuran for the purpose of connecting two sheets by temporarily dissolving and respectively plasticizing the plastics material so that a

Art Unit: 1772

connection similar to a welded connection is obtained under pressure (col. 1 lines 25-30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Del Rincon et al. with two polymeric planks with a bonding agent of tetrahydrofuran in order to connect two sheets by temporarily dissolving and respectively plasticizing the plastics material so that a connection similar to a welded connection is obtained under pressure as taught by Peralt Anstalt (col. 1 lines 25-30).

Therefore it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Del Rincon et al. with that the polymeric flooring plank that has a polymeric core with a laminate affixed on the surface of the core in order to adjust the thickness of the seam so that the two planks have a smoother surface (figure 3b) as taught by Peralt Anstalt.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide a plurality of splines since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art. St Regis Paper Co. V. Bemis Co., 193 USPQ 8. Also, the plurality of small splines is an equivalent function to one long spline since the function is to connect two planks together along its entire edge. It would have been obvious to one having ordinary skill in the art to replace one long spline with a plurality of small splines to make the same connection between two planks along its entire edge.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Del Rincon in view of Boultinghouse (4666549).

Del Rincon discloses the floor surface covering described above. Del Rincon fail to disclose at least two different solvents capable of at least bonding the edges of the polymeric portion of the plank. Boultinghouse teaches two different solvents capable of at least bonding the edges of the polymeric portion of the plank for the purpose of providing a permanent welded resinous block copolymer which has good blocking characteristics (col. 1 lines 35-36, col. 3 lines 16-29).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Del Rincon with two different solvents capable of at least bonding the edges of the polymeric portion of the plank in order to provide a permanent welded resinous block copolymer which has good blocking characteristics as taught by Boultinghouse (col. 1 line 35-36).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Ahmad can be reached on 571-272-1487. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee
July 12, 2004



ALEXANDER S. THOMAS
PRIMARY EXAMINER